

RE: SPECIAL HEARING  
W/S Davis Avenue,  
3098' from c/l of Old  
Court Road  
(10600 Davis Avenue)  
2nd Election District  
1st Councilmanic District  
Vernon W. Mathena, Jr.  
Virginia A. Mathena,  
Petitioners

\* BEFORE  
\* THE DEPUTY  
\* ZONING COMMISSIONER  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. 93-383-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing. The Petitioners herein, Mr. and Mrs. Vernon W. Mathena, Jr., are the owners of the Granite Mobile Home Park located in Granite, Maryland in western Baltimore County. The Mathena's mobile home park, defined as a trailer park under § 101 of the Baltimore County Zoning Regulations ("B.C.Z.R."), comprises approximately 10.50 acres and is zoned DR 1, RC 5 and RC 2. The Petitioners request my approval of an amendment to the special exception area approved in Case No. 3545-X so that three existing mobile homes located outside the special exception line may be brought into compliance, all as shown on the attached Site Plan entered as Petitioners' Exhibit 1 at the hearing.

Appearing at the public hearing was Mr. and Mrs. Mathena and their son, Jeffrey Mathena, who manages the mobile home park. Also appearing at the hearing was Jeffrey F. Higdon, Esquire, the Mathena's attorney in connection with the possible sale of the park. Representing the Petitioner at the public hearing was G. Paige Wingert, Esquire. There were no Protestants present.

The testimony and evidence presented at the hearing indicated that the subject site is comprised of three tracts of mobile homes known as Courts "A," "B" and "C." The three trailers in question are trailers B14, C22 and C23, which all lie near to one another on the southeastern portion of the trailer park. As can be seen from a review of the zoning plat submitted with the petition, trailers B14 and C22 lie only partially outside the special exception line, while trailer C23 lies completely outside the special exception line. Mr. Wingert, counsel for the Petitioners, proffered testimony for the Petitioners. The testimony proffered for Mr. Mathena explained the background of the mobile home park in general and specifically as to the three trailers in non-compliance. This testimony explained that Mr. Mathena's father was granted a special exception for the trailer park in 1955. Mr. Mathena was involved in helping his father develop the trailer park and recalls that the three trailers in question were all placed at their present locations in the late 1950's or early 1960's. The testimony proffered on behalf of Mr. Mathena further indicated that at the time these three trailers were situated, the Mathenas were unaware that they were being placed outside the special exception area. In fact, it was not until the Petitioners had the property surveyed in anticipation of selling the mobile home park in 1992, that they were informed that a mistake had been made with respect to the location of the three trailers in question. Thus, these trailers have been in the same location slightly outside the special exception area for over thirty years.

The requirements for a special exception are contained in § 502.1 B.C.Z.R. These standards also apply when determining whether the grant of an amendment to an existing special exception is proper. In the case at hand, Counsel for Petitioners noted that he had reviewed the decision from the original special exception and could find nothing indicating that the boundary lines were particularly at issue at that time. Moreover, it has been noted that the requested amendment would not result in any change from either a visual or a use perspective, and that the additional area needed to bring the three trailers into compliance is only .3701 of an acre -- or about a 4% increase in the special exception area. Petitioners have also contacted the Greater Patapsco Community Association and sent letters to the trailer park's tenants and have not received any objections to the proposed amendment. Finally, Petitioners established that the landowners neighboring the trailer park are all members of the extended Mathena family. In support of this testimony, the Petitioners submitted as Exhibit No. 2, three aerial photos of the mobile home park which shows the relatively isolated location of the Granite Mobile Home Park.

It is clear from the testimony proffered by Mr. Wingert on behalf of the Petitioners that the requested amendment to the special exception area would not be detrimental to the health, safety or general welfare of the surrounding locale. Moreover, I find that the Petitioners have met their burden of proof under § 502.1 B.C.Z.R. Finally, I find that the amendment to the special

exception will not be contrary to the spirit and intent of the Zoning Regulations.

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, and for the reasons given above, the requested special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 8th day of June, 1993, that the Petition for a Special Hearing to approve an amendment to the special exception area granted in Case No. 3545-X in order to accommodate the three existing trailers located outside the special exception line in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with § 26-132 of the Baltimore County Code.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORD00096.GPW

ORDER RECEIVED FOR FILING  
Date 6/8/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 8, 1993

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
W/S Davis Avenue, 3098' SE of the c/l of Old Court Road  
(10600 Davis Avenue)  
2nd Election District - 1st Councilmanic District  
Vernon W. Mathena, Jr., et ux - Petitioners  
Case No. 93-383-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Jeffrey F. Higdon, Esquire  
Provident Bank Building, Suite 501  
114 E. Lexington Street, Baltimore, Md. 21202

People's Counsel

File



## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

10600 Davis Avenue Woodstock MD 21163  
which is presently zoned DR1, RC5 & RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A modification of the special exception area granted in Case No. 3545RX to accommodate three existing trailers located outside the special exception line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Venable, Baetjer & Howard

210 Allegheny Avenue

Towson, Maryland 21204

City State Zipcode

With do solemnly declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

Virginia A. Mathena

(Type or Print Name)

Signature

10302 Davis Avenue 461-5220

Woodstock, Maryland 21163

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Robert A. Hoffman Esquire

210 Allegheny Avenue

Towson, Maryland 21204 494-6200

City State Zipcode Phone No.

OFFICE USE ONLY:

ESTIMATED LENGTH OF HEARING:

the following date: \_\_\_\_\_

ALL OTHER: \_\_\_\_\_

REVIEWED BY: JCM DATE: 4-28-93



#### PROPOSED AMENDMENT TO SPECIAL EXCEPTION AREA

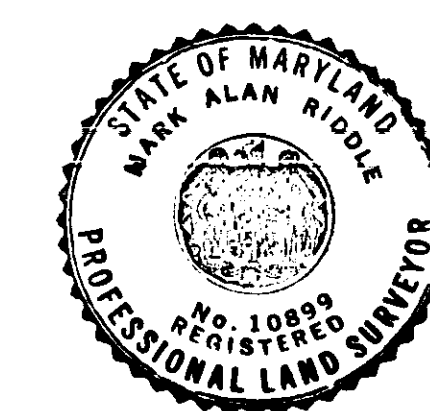
BEGINNING at a point located at the end of the 6th line of the heredescribed Existing Special Exception Area, thence running reversely with said 6th line,

1. North 21°57'20" East 299.04 feet to a point, thence running for the five following courses and distances.
2. South 17°58'29" East 80.93 feet to a point, thence,
3. South 69°16'50" East 49.50 feet to a point, thence,
4. South 20°43'10" West 107.10 feet to a point, thence,
5. North 69°16'50" West 49.50 feet to a point, thence,
6. South 44°37'28" West 140.78 feet to the point of beginning.

CONTAINING 16,123.3 square feet or 0.3701 acre of land, more or less.

The proposed total Special Exception Area herein to contain 473,539 square feet or 10.8709 acres of land, more or less.

STV GROUP  
Mark A. Riddle  
MD Professional Land Surveyor No. 10899



March 23, 1993



STV Group  
engineers/architects/planners/scientists/construction managers

DESCRIPTION OF SPECIAL EXCEPTION AREA  
GRANITE MOBILE HOME PARK  
SOUTH SIDE OF DAVIS AVENUE, NEAR GRANITE  
2ND ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

EXISTING SPECIAL EXCEPTION AREA (CASE NO. 3545-RX, JUNE 30, 1955)

BEGINNING at a point in the center of Davis Avenue, being distant, as measured along the centerline of said Davis Avenue, 3,098 feet southeasterly from the centerline of Old Court Road, thence running along said Davis Avenue, with the outlines of the whole tract, the three following courses and distances, as now surveyed,

1. South 88°14'15" East 90.90 feet to a point, thence,
2. North 54°53'04" East 275.00 feet to a point, thence,
3. South 88°37'52" East 176.20 feet to a point, thence leaving the tract outline and continuing in or near the existing pavement of Davis Avenue, the two following courses and distances,
4. South 50°29'28" East 215.99 feet to a point, thence,
5. South 18°30'33" West 392.00 feet to a point, thence running,
6. South 21°57'20" West 299.04 feet to a point, thence,
7. South 80°27'49" West 319.27 feet to a point, thence running along the outline of the whole tract, the two following courses and distances,
8. North 46°47'33" West 361.41 feet to a point, thence,
9. North 19°29'01" East 467.53 feet to the point of beginning.

CONTAINING 457,415.7 square feet or 10.5008 acres of land, more or less.

BEING that same area of Special Exception as granted under Baltimore County Zoning Case No. 3545-RX, dated June 30, 1955.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 7/1/93

Posted for: Special Hearing

Petitioner: Vernon W. Mathena, Jr.

Location of property: (Case) 10600 Davis Ave. from c/l of Old Court Road

Location of Signs: 10600 Davis Ave. property, 10600 Davis Ave.

Remarks:

Posted by: Matthews Date of return: 7/2/93

Number of Signs: 1

**Baltimore County**  
**Zoning Administration & Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Item # 391 receipt  
93-383-SPH

Account: R-001-4150

Date: 4-28-93 Number: JCH

PET'R: VERNON MATHENA, JR.

SITE: 10600 DAVIS AVE.  
WOODSTOCK, Md. 21163

SPH: H2G(04)

POSTING: (080)

250.00  
35.00  
285.00

83403W00501CHRC  
R-001-4150-28-93 \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 391

Petitioner: VERNON MATHENA JR.

Location: 10600 DAVIS AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT HOFFMAN, ESQ.

ADDRESS: 210 ALLEGHENY AVE  
TOWSON, MD. 21204

PHONE NUMBER: 494-6200

AJ:ggs (Revised 04/09/93)

**COPY**

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-383-SPH (Item 391)  
10600 Davis Avenue, 3098' (+/-) from c/l of Old Court Road  
2nd Election District - 1st Councilmanic  
Legal Owner(s): Vernon W. Mathena, Jr. and Virginia A. Mathena  
HEARING: FRIDAY, JUNE 4, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Special Hearing to approve modification of the special exception area granted in Case #3545-RX to accommodate three existing trailers located outside the special exception line.

Lawrence E. Schmidt  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 13, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on May 13, 1993.

**THE JEFFERSONIAN,**

S. Zeke Orlow  
Publisher

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Special Hearing to approve modification of the special exception area granted in Case #3545-RX to accommodate three existing trailers located outside the special exception line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County

5148 May 13

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

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Special Hearing to approve modification of the special exception area granted in Case #3545-RX to accommodate three existing trailers located outside the special exception line.

Arnold Jablon  
Arnold Jablon  
Director

cc: Vernon and Virginia Mathena  
Robert A. Hoffman, Esq.

NOTES: (1) ZONING STUB & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**Baltimore County Government**  
**Office of Zoning Administration and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

May 24, 1993

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, MD 21204

RE: Case No. 93-383-SPH, Item No. 391  
Petitioner: Vernon W. Mathena, Jr., et ux  
Petition for Special Hearing

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 28, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filling of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: + 391 (JCH)

5-11-93

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: May 12, 1993

SUBJECT: 10302 Davis Avenue

**INFORMATION:**

Item Number: 391

Petitioner: Vernon W. Mathena, Jr.

Property Size: \_\_\_\_\_

Zoning: D.R. 1, R.C. 5 and R.C. 2

Requested Action: \_\_\_\_\_

Hearing Date: 1/1

**SUMMARY OF RECOMMENDATIONS:**

Staff is familiar with the site on which the Granite Mobile Home Park is improved, and views the park as one of the best maintained and most attractive uses of this type.

The mobile home park fills a documented and substantial need for affordable housing.

Therefore, based on the information provided and analysis conducted, staff recommends that the applicant's request be granted.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Lewis

PK/JL:lw

Pg. 1



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

FROM: Captain Jerry Pfeifer

SUBJECT: Comments for 05/17/93 Meeting

Date: May 11, 1993

Fire Department

Item 386

Building shall be built in compliance with the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.

Item 387

No Comments

Item 388

No Comments

Item 389

No Comments

Item 390

No Comments

Item 391

Site shall comply with applicable provisions of the Baltimore County Fire Prevention Code.

Item 392

No Comments

Item 393

No Comments

Item 394

No Comments

Item 395

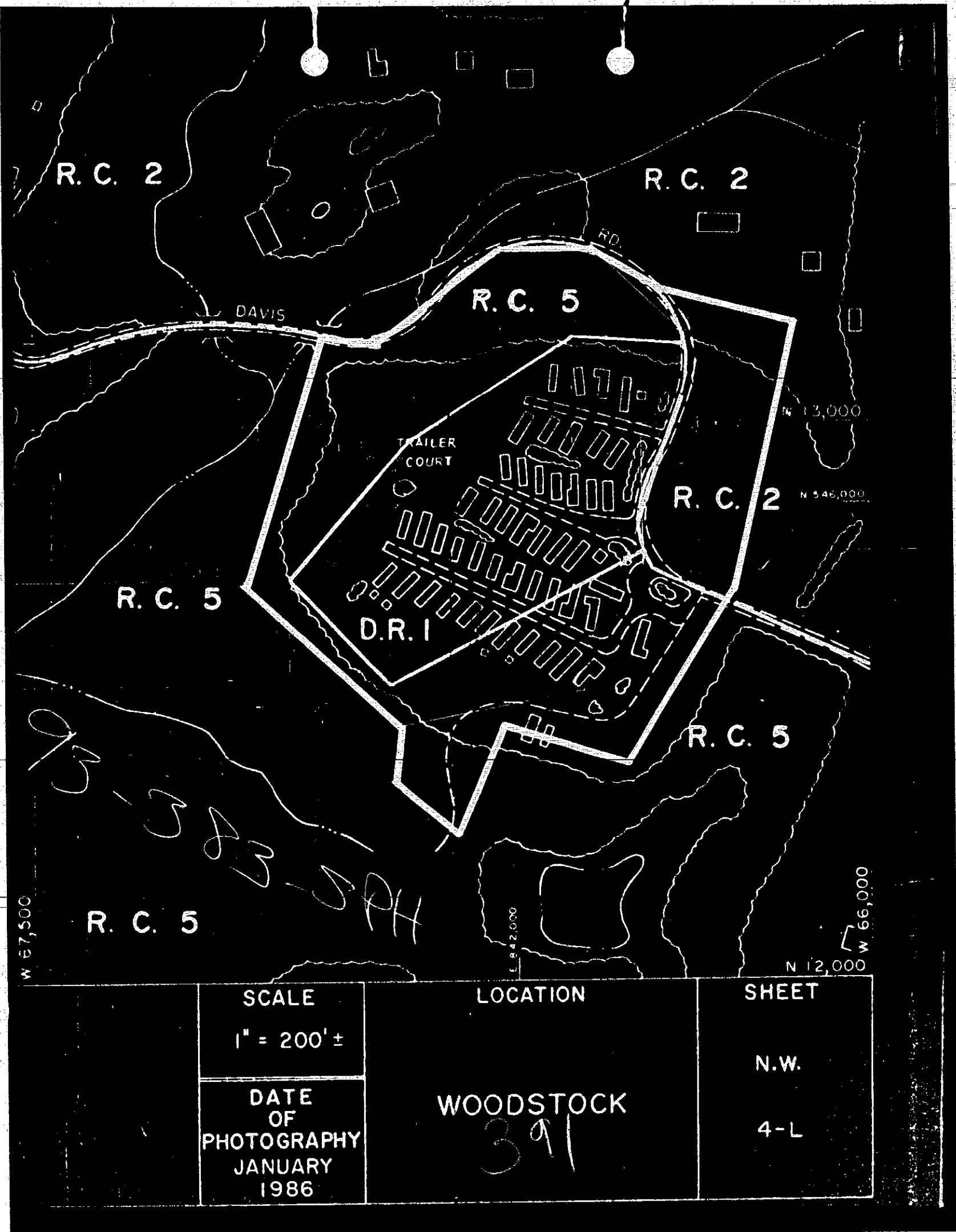
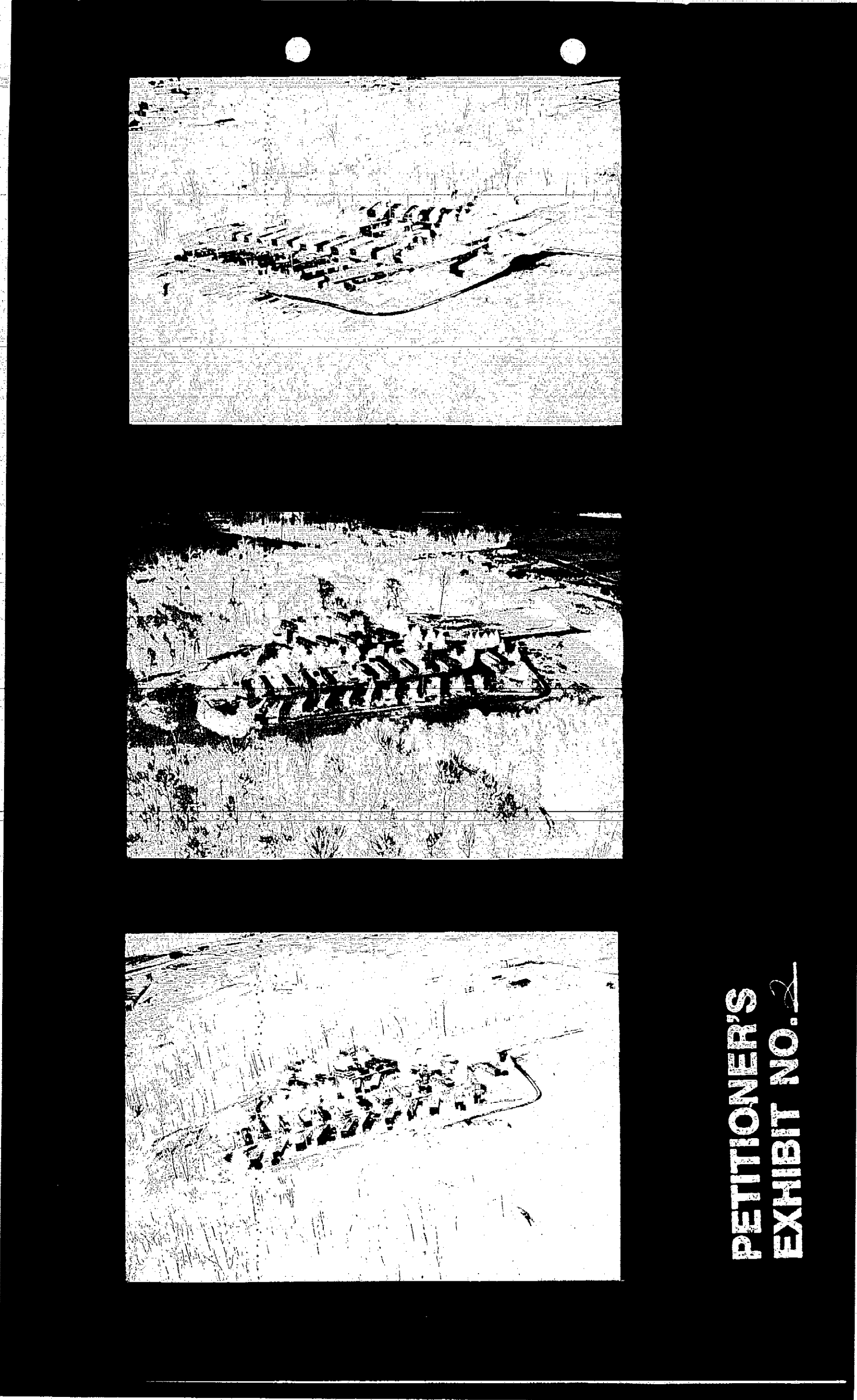
Townhouses for which the initial building permit was applied for after July 1, 1992 are required by State Law to be sprinklered.

RECEIVED

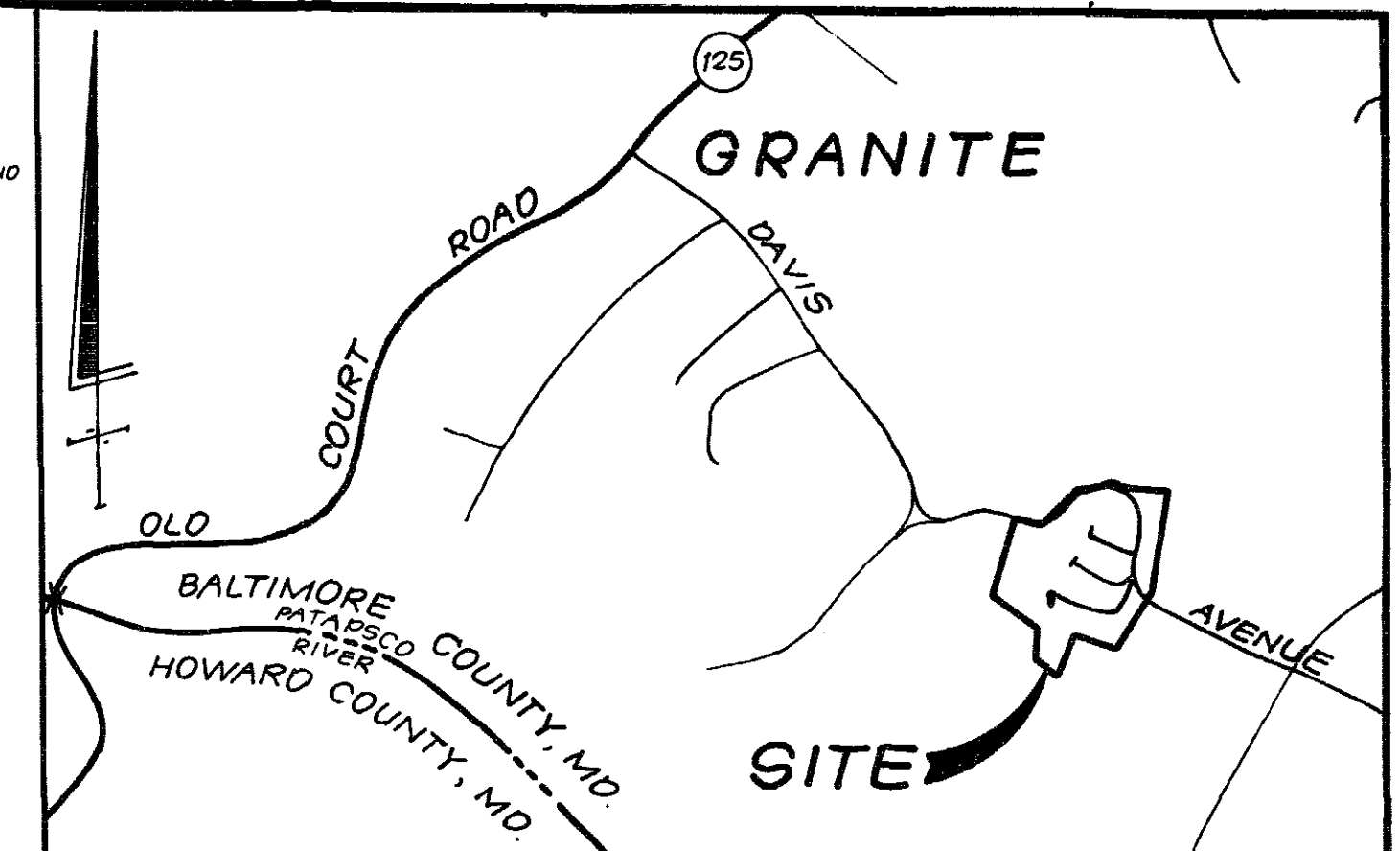
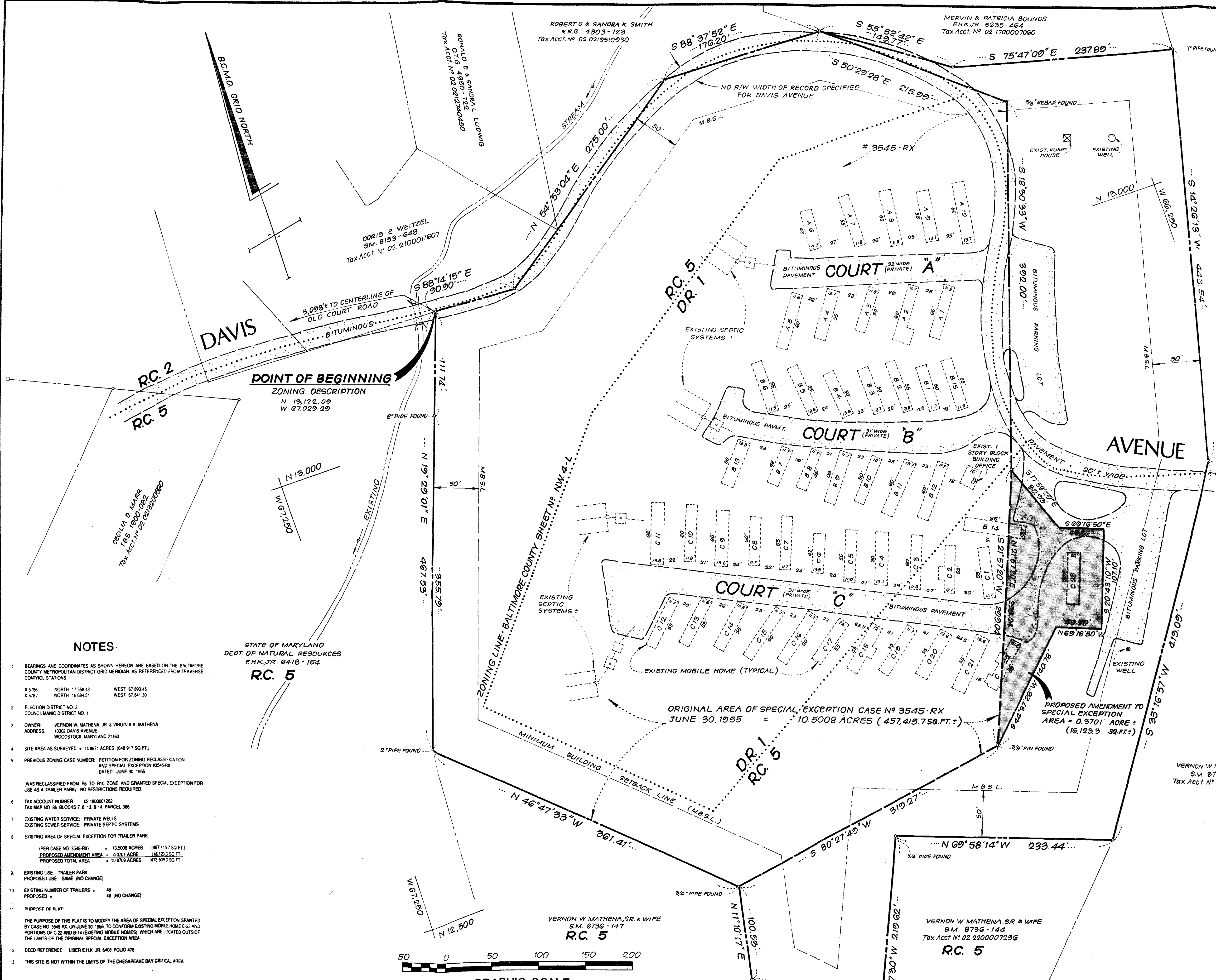
MAY 12 1993

ZADM

CPS-008







**LOCATION MAP**  
SCALE: 1" = 1,000'

**ZONING DESCRIPTION**

GRANITE MOBILE HOME PARK  
SOUTH SIDE OF DAVIS AVENUE  
NEAR GRANITE  
BALTIMORE COUNTY, MARYLAND

- NOTES**
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN AS REFERENCED FROM TRAVELER CONTROL STATIONS.
  - ELECTION DISTRICT NO. 2
  - OWNER: VERNON W. MATHENA, JR. & VIRGINIA A. MATHENA  
ADDRESS: 10202 DAVIS AVENUE, WOODSTOCK, MARYLAND 21153
  - SITE AREA AS SURVEYED: 14.897 ACRES (648,917 SQ. FT.)
  - PREVIOUS ZONING CASE NUMBER: PETITION FOR ZONING RECLASSIFICATION AND SPECIAL EXCEPTION #3545-RX DATED: JUNE 30, 1955
  - HAS RECLASSIFIED FROM R-1 TO R-2 ZONE AND GRANTED SPECIAL EXCEPTION FOR USE AS A TRAILER PARK. NO RESTRICTIONS REQUIRED.
  - TAX ACCOUNT NUMBER: 02 1800001262  
TAX MAP NO. 86, BLOCKS 7 & 8, 14 PARCEL 368
  - EXISTING WATER SERVICE: PRIVATE WELLS  
EXISTING SEWER SERVICE: PRIVATE SEPTIC SYSTEMS
  - EXISTING AREA OF SPECIAL EXCEPTION FOR TRAILER PARK:  
(PER CASE NO. 3545-RX) = 10,5008 ACRES (457,415.7 SQ. FT.)  
PROPOSED AMENDMENT AREA = 0.3701 ACRE (16,122.3 SQ. FT.)  
PROPOSED TOTAL AREA = 10,8709 ACRES (473,538.0 SQ. FT.)
  - EXISTING USE: TRAILER PARK  
PROPOSED USE: SAME (NO CHANGE)
  - EXISTING NUMBER OF TRAILERS: 49  
PROPOSED: 48 (NO CHANGE)
  - PURPOSE OF PLAT:  
THE PURPOSE OF THIS PLAT IS TO MODIFY THE AREA OF SPECIAL EXCEPTION GRANTED BY CASE NO. 3545-RX ON JUNE 30, 1955 TO CONFORM TO EXISTING MOBILE HOME C-23 AND PORTIONS OF C-22 AND C-14 EXISTING MOBILE HOMES WHICH ARE LOCATED OUTSIDE THE LIMITS OF THE ORIGINAL SPECIAL EXCEPTION AREA.
  - DEED REFERENCE: LIBER E.H.K. JR. 6408, FOLIO 475
  - THIS SITE IS NOT WITHIN THE LIMITS OF THE CHESAPEAKE BAY CRITICAL AREA.

**NOTES**

STATE OF MARYLAND  
DEPT. OF NATURAL RESOURCES  
E.H.K. JR. 6418 - 154

**RC. 5**

**GRAPHIC SCALE**

0 50 100 150 200

**VERNON W. MATHENA, SR. & WIFE**  
S.M. 8736-144  
Tax Acct. No. 02 2200007237

**RC. 5**

**VERNON W. MATHENA, SR. & WIFE**  
S.M. 8736-144  
Tax Acct. No. 02 2200007236

**RC. 5**

**PRINTED**  
MAR 25 1993

**STVLON ASSOC.**  
**CERTIFICATION**

I hereby certify that this plat meets the requirements of the Baltimore County Zoning Hearing Checklist for Residential Properties, and all requirements as contrasted for by Vernon W. Mathena, Jr. and wife.

**Mark A. Riddle** 391  
STV GROUP  
Mark A. Riddle  
MD Professional Land Surveyor No. 10899

**STYLON ASSOCIATES**  
Engineers Surveyors Planners  
21 Governor's Court Baltimore, Maryland 21207  
Telephone: 301-944-9112

**REVISIONS**

NO.	DATE	DESCRIPTION

**PLAN PREPARATION**

DRAWN BY	M.A.R.	DATE	MARCH 22, 1993
DESIGNED BY		SCALE	1" = 50'
CHECKED BY			

**GRANITE MOBILE HOME PARK**  
SOUTH SIDE OF DAVIS AVENUE  
NEAR GRANITE • 2 ND ELECTION DISTRICT, C-1  
BALTIMORE COUNTY, MARYLAND

**DRAWING NO.**  
61-9019

**SHEET NO.**  
1 of 1

**93-383-SRH**